

## Retail Marijuana Amendments

Planning Commission Issues Matrix for February 10, 2016

Issue	Discussion Notes	Status
1. Confirm the Technical Committee's Recommendation would not allow retail marijuana stores in Urban Centers. (Biethan)	<p><b><u>Planning Commission Discussion</u></b> (1/20) Commissioners discussed whether the Technical Committee's recommendation would allow retail marijuana stores in the Urban Centers as an allowed use, even if retaining 1,000 foot buffers would effectively preclude the siting of a store in those areas.</p> <p><b><u>Staff Response/Recommendation</u></b> (1/22) The Technical Committee's recommendation is to not allow retail marijuana stores in the mixed use zones including Redmond's two Urban Centers. The Technical Committee's reasoning is that retail marijuana stores may detract from the Urban Centers by impacting nearby businesses; increasing the potential for marijuana use in public parks, trails and other public locations; and detracting from the vision of the urban centers as destinations that provide a comfortable atmosphere for a diversity of people. In addition, since no sites would be available in mixed use zones unless buffers are changed, having retail marijuana as an allowed use is confusing and unnecessary.</p> <p><b><u>Public Comment</u></b> Some commenters would prefer that retail marijuana stores are treated like other retail stores and allowed in mixed use and retail zones, while most commenters would prefer retail marijuana stores to be far away from heavily-trafficked areas or not located in Redmond at all.</p>	Opened 1/20
2. Is there information available regarding a change in unregulated (black market) marijuana sales? (Miller)	<p><b><u>Planning Commission Discussion</u></b> (1/20) Commissioners discussed whether the creation of a legal means to purchase marijuana has affected black market sales, especially to minors. Commissioners noted that marijuana sales outside of the state licensed system have been and remain illegal.</p> <p><b><u>Staff Response/Recommendation</u></b> (1/22) <del>Staff is checking with Redmond Police on this question and will provide more information prior the next Planning Commission meeting.</del></p> <p>(2/3) Staff is checking with Redmond Police on this question and will provide more information when it is available.</p> <p><b><u>Public Comment</u></b> Most of the public comments have emphasized potential access to marijuana for youth as a significant</p>	Opened 1/20

## Retail Marijuana Amendments

Planning Commission Issues Matrix for February 10, 2016

Issue	Discussion Notes	Status
	<p>concern, and that youth currently obtain marijuana through illegal means and would continue to do so even if stores are allowed. Other commenters maintain that providing additional opportunity for retail marijuana stores to locate in Redmond would reduce the potential for people to obtain marijuana through illegal means.</p>	
<p>3. Why treat different parts of the Manufacturing Park zone differently? (Miller)</p>	<p><b>Planning Commission Discussion</b> (1/20) Commissioners discussed whether it is appropriate to treat areas which are zoned the same (e.g. the Manufacturing Park zone) differently for different geographical locations.</p> <p><b>Staff Response/Recommendation</b> (1/22) Different areas in the city have different characteristics, and while zoning designations are applied to areas with similar general characteristics or that are intended for the same land uses and development pattern in accordance with Map LU-1 Comprehensive Land Use Plan in the Comprehensive Plan, this does not mean that all areas zoned the same are exactly the same.</p> <p>The City has evaluated and allowed some differences in allowed uses for various locations zoned Manufacturing Park (MP). Examples include:</p> <ul style="list-style-type: none"> <li>• In SE Redmond, overlay for property adjacent to Redmond Way to allow additional commercial uses and allowance for membership wholesale/retail warehouses provided specific regulations are met</li> <li>• In the Sammamish Valley neighborhood, allowance for auto sales in conjunction with repair or as stand-alone businesses on properties zoned MP with frontage on NE 90th Street between Willows Road and 152nd Avenue NE, NE 95th Street between Willows Road and 151st Avenue NE, and 151st Avenue NE between NE 90th Street and NE 95th Street</li> </ul> <p>In general, overlay zoning is used when there is a specific objective that isn't met by the conventional zoning in that area. It includes mapped locations with provisions more or less permissive than the underlying zoning.</p> <p>Specific to retail marijuana stores and the Technical Committee's recommendation, the Sammamish Valley portion of the Manufacturing Park zone has different characteristics compared to the Southeast Redmond portion of the Manufacturing Park zone. These include different access, different size of parcels and buildings generally, and the number and proximity of uses which require a buffer for marijuana uses.</p>	<p>Opened 1/20</p>

## Retail Marijuana Amendments

Planning Commission Issues Matrix for February 10, 2016

Issue	Discussion Notes	Status
	<p><b><u>Public Comment</u></b></p> <p>Many public comments have noted the proximity of large residential developments near the Manufacturing Park zone in Southeast Redmond. Some commenters questioned why allow certain retail uses and not others in Manufacturing Park zones.</p>	
<p>4. How could reduced buffers affect the number of properties potentially available in the Manufacturing Park zone? (O'Hara)</p>	<p><b><u>Planning Commission Discussion</u></b></p> <p>(1/20) Commissioners discussed whether reducing buffers for marijuana uses in the Manufacturing Park (MP) zone would allow more potential sites for retail marijuana stores. Commissioners were also interested in the number of potential sites at different buffer distances.</p> <p><b><u>Staff Response/Recommendation</u></b></p> <p>(1/22) The number of potential parcels in the Manufacturing Park zone under different scenarios is as follows:</p> <ul style="list-style-type: none"><li>• Technical Committee Recommendation: 57</li><li>• 1,000 feet: 99<ul style="list-style-type: none"><li>○ 57 in the proposed overlay</li><li>○ 18 in the remaining MP-zoned areas near Willows Rd.</li><li>○ 24 in SE Redmond</li></ul></li><li>• 750 feet: 122<ul style="list-style-type: none"><li>○ 58 in the proposed overlay</li><li>○ 30 in the remaining MP-zoned areas near Willows Rd.</li><li>○ 34 in SE Redmond</li></ul></li><li>• 500 feet: 147<ul style="list-style-type: none"><li>○ 59 in the proposed overlay</li><li>○ 38 in the remaining MP-zoned areas near Willows Rd.</li><li>○ 50 in SE Redmond</li></ul></li><li>• 250 feet: 173<ul style="list-style-type: none"><li>○ 60 in the proposed overlay</li><li>○ 50 in the remaining MP-zoned areas near Willows Rd.</li><li>○ 63 in SE Redmond</li></ul></li><li>• 100 feet: 179<ul style="list-style-type: none"><li>○ 60 in the proposed overlay</li></ul></li></ul>	<p>Opened 1/20</p>

## Retail Marijuana Amendments

Planning Commission Issues Matrix for February 10, 2016

Issue	Discussion Notes	Status
	<ul style="list-style-type: none"> <li>○ 53 the remaining MP-zoned areas near Willows Rd.</li> <li>○ 66 in SE Redmond</li> </ul> <p>Maps showing the effect of reducing buffers will be available prior to next Planning Commission meeting.</p> <p><b><u>Public Comment</u></b> Most public comment is in favor of keeping buffers at 1,000 feet.</p>	
<p>5. Should the size of retail marijuana stores be restricted? (Biethan)</p>	<p><b><u>Planning Commission Discussion</u></b> (1/20) Commissioners discussed the size of retail marijuana stores and whether it would be appropriate or necessary to place limits on store size. Different store sizes may affect parking requirements.</p> <p><b><u>Staff Response/Recommendation</u></b> (1/22) The Technical Committee's recommendation is to establish a maximum Floor Area ratio (FAR) in a manner similar to that for any other allowed use in a zone. This is for consistency within the Zoning Code. As most stores in the area are between approximately 750 and 2,500 square feet, there appears to be a low likelihood of large stores opening in Redmond due to market conditions.</p> <p>Should the Commission desire, it is possible to place an outright restriction on the size of a retail marijuana store, separate from the FAR limit generally in place.</p> <p><b><u>Public Comment</u></b> No public comments have been received concerning this issue to date.</p>	<p>Opened 1/20</p>
<p>6. Is a trip generation rate available for marijuana stores? (Miller)</p>	<p><b><u>Planning Commission Discussion</u></b> (1/20) Commissioners asked if the Institute of Transportation Engineers (ITE) has determined vehicular trip generation rates for marijuana stores, and if that information could be provided.</p> <p><b><u>Staff Response/Recommendation</u></b> (1/22) Preliminary trip generation figures for marijuana stores indicate that trip generation rates are as follows:</p>	<p>Opened 1/20</p>

## Retail Marijuana Amendments

Planning Commission Issues Matrix for February 10, 2016

Issue	Discussion Notes	Status																
	<table><tr><td></td><td>Retail Marijuana</td><td>Pharmacy w/ Drive Thru</td><td>Specialty Retail</td></tr><tr><td>Daily</td><td>400</td><td>90</td><td>44</td></tr><tr><td>PM Peak Hour</td><td>63</td><td>11</td><td>5</td></tr><tr><td colspan="4">*All figures are per thousand square feet of building area</td></tr></table> <p>Staff cautions Commissioners that this is preliminary data based on a limited number of surveys conducted mostly in Colorado, and that Colorado’s legal environment concerning marijuana and land use is somewhat different than in Washington.</p> <p><b>Public Comment</b> Some public comments have expressed concern about high traffic volumes associated with retail marijuana stores.</p>		Retail Marijuana	Pharmacy w/ Drive Thru	Specialty Retail	Daily	400	90	44	PM Peak Hour	63	11	5	*All figures are per thousand square feet of building area				
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7. Should there be a separation between retail marijuana stores? (Miller)	<p><b>Planning Commission Discussion</b> (1/20) Commissioners discussed whether a separation requirement should be used to avoid creating a “marijuana district.” Separation could be used to disperse retail marijuana stores in order to minimize impacts. Commissioners also discussed whether other cities used separation requirements and asked staff to confirm the regulations for other cities.</p> <p><b>Staff Response/Recommendation</b> (1/22) Separation could be generally useful for two reasons. The first is to disperse retail marijuana stores throughout the city, as opposed to concentrating them in one area. The second is to indirectly limit the number of stores by effectively reducing the available supply of potential sites.</p> <p>When the public workshop was held, available information indicated that the number of retail store licenses was potentially unlimited. Staff sought public perspective on separation primarily as a means to limit the number of retail stores indirectly, as an outright local limit on the number of stores may not have been feasible. When the state Liquor and Cannabis Board decided to increase Redmond’s retail license allocation to 4 instead of unlimited, this reduced the need to use separation as means to indirectly limit the number of stores.</p>	Opened 1/20																

## Retail Marijuana Amendments

Planning Commission Issues Matrix for February 10, 2016

Issue	Discussion Notes	Status
	<p>Other eastside cities require separation between stores. Issaquah requires 1,000 feet; this was done to effect dispersion of retail marijuana stores and as “future proofing” against increased state license allocations by indirectly limited the total number of stores possible to locate in Issaquah (the theoretical maximum is 5 or 6 stores with perfect distribution; the practical maximum is 3 or 4). Bellevue requires 1,000 feet separation and wrote specific language regarding procedures in the event of a conflict. Two stores desired to open on Main Street in downtown Bellevue within close proximity, and only one was permitted. Kirkland does not require separation. Seattle’s recently updated regulations require 500 feet of separation between retail stores.</p> <p>In considering alternatives, requiring a separation may be counter to the objective of providing a particular area for potential retail marijuana stores. Alternatively, requiring a separation could support some amount of dispersal even in a particular geographic area.</p> <p><b><u>Public Comment</u></b></p> <p>Some public comments have expressed support for requiring separation between stores. The survey results show that most survey respondents are in favor of separation.</p>	
<p>8. Is any data available concerning security incidents at retail stores? (Nichols)</p>	<p><b><u>Planning Commission Discussion</u></b></p> <p>(1/20) The Commission discussed whether there is any data about break-ins, robberies, or other security incidents at retail marijuana stores. Commissioners suggested other eastside cities or Seattle may have data.</p> <p><b><u>Staff Response/Recommendation</u></b></p> <p>(1/22) The Redmond Police Department indicates that in communicating with other law enforcement agencies in the Puget Sound region and state as a whole, there has not been a change in reported incidents. That is, retail marijuana stores do not report break-ins, robberies, or other criminal incidents at an abnormal rate compared to other retail businesses.</p> <p>Law enforcement agencies remain concerned that there is the potential for a larger number of unreported incidents; however no data would exist for unreported incidents.</p> <p>The City of Seattle publishes crime statistics on their website, <a href="http://www.seattle.gov/seattle-police-department/crime-data/crime-dashboard">http://www.seattle.gov/seattle-police-department/crime-data/crime-dashboard</a>. Seattle’s overall data for property crimes shows that</p>	<p>Opened 1/20</p>

## Retail Marijuana Amendments

Planning Commission Issues Matrix for February 10, 2016

Issue	Discussion Notes	Status
	<p>property crimes increased in 2014, when the first retail stores opened, compared to 2012, when marijuana was legalized. However, property crimes went down in 2015 compared to 2014. It is not possible to determine why property crime increased in from 2012-14, then decreased from 2014-15; legal marijuana may be one of many factors or it may be a major factor, but there is insufficient data to draw any conclusions.</p> <p>The state Liquor and Cannabis Board publishes lists of inspections of all licensed marijuana facilities including producers, processors, and retail stores, and also publishes a list of license violations and the general penalty (fine, written warning, etc.). These are available on their website, <a href="http://lcb.wa.gov/records/frequently-requested-lists">http://lcb.wa.gov/records/frequently-requested-lists</a>.</p> <p><b>Public Comment</b> Some public comments have expressed concern about possible issues with crime associated with retail marijuana stores.</p>	
9. What are the code requirements for bars and liquor stores? (Captain/Haverkamp via email)	<p><b>Planning Commission Discussion</b> (1/20) Commissioners discussed whether bars might have similar effects to retail marijuana stores on the surrounding area. Commissioners also discussed whether the zoning regulations for liquor stores may be useful when discussing retail marijuana.</p> <p><b>Staff Response/Recommendation</b> (1/22) Bars and drinking places are allowed in mixed use and commercial zones. They are also allowed in the Manufacturing Park zone with some restrictions that include seating capacity limits, gross floor area limits, and limited hours of operation (6 am to midnight).</p> <p>Liquor stores are allowed in mixed use and commercial zones; they are not allowed in the Manufacturing Park zone. Liquor stores are considered General Sales or Service, and there are no additional restrictions on their location. State law requires that stores selling spirits must be a minimum of 10,000 sq. ft., except for former state and contract liquor stores.</p> <p>(2/2) In addition to the land use requirements above, alcohol can be consumed in a much wider variety of places, including in bars, restaurants, and clubs; in private homes including apartments; and at many sporting events. Marijuana may not be consumed in any of these situations except for private homes as</p>	Opened 1/20

## Retail Marijuana Amendments

Planning Commission Issues Matrix for February 10, 2016

Issue	Discussion Notes	Status
	<p>it would violate the law prohibiting use “in view of the general public.” Residents in some multi-family buildings may be prohibited from smoking in their home.</p> <p><b><u>Public Comment</u></b> Some public comments speak in favor of treating retail marijuana stores like liquor stores with regard to zoning regulations.</p>	
<p>10. Highlight questions received through public comment. (Biethan)</p>	<p><b><u>Planning Commission Discussion</u></b> (1/20) Commissioners discussed public comments received to date and would like responses to questions raised by public comments.</p> <p><b><u>Staff Response/Recommendation</u></b> (1/22) Questions from public comments, along with staff responses, are as follows:</p> <ul style="list-style-type: none"> <li>• <i>Q: Is the East Lake Sammamish Trail considered a park?</i> A: No. Rules adopted by the state Liquor and Cannabis Board specifically state that trails are not public parks.</li> <li>• <i>Q: Is Arena Sports (9040 Willows Rd.) considered a recreation center?</i> A: No. Rules adopted by the state Liquor and Cannabis Board specifically state that recreation centers must be owned by a government agency or a charitable non-profit.</li> <li>• <i>Q: How many medical marijuana dispensaries are in Redmond, and would any of them convert to a licensed retail marijuana store?</i> A: Redmond does not allow medical marijuana collective gardens or dispensaries. There are none operating in Redmond, and so none which may convert to a licensed retail marijuana store.</li> </ul> <p>(2/2) Additional questions from public comments:</p> <ul style="list-style-type: none"> <li>• <i>Q: Can Redmond ban retail marijuana stores and/or marijuana producers and processors?</i> A: Probably yes. The state Attorney General issued AGO Opinion 2014 No. 2 which opines that cities and counties may ban licensed marijuana facilities. While the Attorney General’s opinion is not binding on state courts, courts generally show deference to Attorney General Opinions. HB 2136, which made significant changes to state law concerning marijuana in 2015, implies that a ban is possible. No state appellate court has yet ruled on this issue.</li> <li>• <i>Q: What were the voting results for I-502 in Redmond?</i> A: The results in Redmond for I-502, which decriminalized marijuana and directed the state</li> </ul>	<p>Opened 1/20</p>



## Retail Marijuana Amendments

Planning Commission Issues Matrix for February 10, 2016

Issue	Discussion Notes	Status
	<p>Liquor and Cannabis Board to establish the licensed retail marijuana system in 2012, were approximately 58.8% Yes and 38.25% No. Planning Commission has received public testimony that indicates that while some voters specifically supported legal access for retail marijuana, other voters supported the measure to decriminalize use of marijuana rather than support location of stores nearby.</p> <ul style="list-style-type: none"> <li>Q: <i>Why is the state increasing the number of retail store licenses?</i> A: State law changes enacted in 2015 made a variety of changes to marijuana regulations in Washington. Included among these are changes to medical marijuana regulations. In effect, the state legislature has made commercial collective gardens (dispensaries) illegal. Since this will have the effect of impacting access to medical marijuana for qualified patients, the state legislature also directed the Liquor and Cannabis Board to increase the number of retail store licenses with the intent of maintaining access to medical marijuana.</li> </ul> <p><b><u>Public Comment</u></b> N/A</p>	
<p>11. What are the potential impacts of retail marijuana stores on the Urban Centers that should be minimized? (O'Hara/Miller)</p>	<p><b><u>Planning Commission Discussion</u></b> (1/20) Commissioners discussed how Redmond's Urban Centers, in particular Downtown, have changed over the last decade and how this change and contributed to vibrancy. Commissioners discussed how retail marijuana stores may impact the Urban Centers and the Technical Committee's rationale for its recommendation.</p> <p><b><u>Staff Response/Recommendation</u></b> (1/22) Retail marijuana stores would not be appropriate in the Urban Centers for several reasons. The Technical Committee Report identifies these reasons, which are summarized below:</p> <ul style="list-style-type: none"> <li>The potential for retail marijuana stores to lead to increased public use on sidewalks, parks and other public places. Public comments have identified concerns about smoke from marijuana products in public places which could negatively impact people's enjoyment of and the vibrancy of the Urban Centers. Policy LU-51 speaks directly to this as it explicitly calls for creating "a comfortable atmosphere" in the Downtown Urban Center; marijuana smoke could detract from people's comfort when they are Downtown.</li> <li>The potential for retail marijuana stores to require large amounts of parking given the characteristics of the business. Some areas in Redmond generally have a sufficient supply of</li> </ul>	<p>Opened 1/20</p>

## Retail Marijuana Amendments

Planning Commission Issues Matrix for February 10, 2016

Issue	Discussion Notes	Status
	<p>parking, while other areas, in particular Downtown, are parking constrained. The high trip generation rates (even if those rates are only preliminary) for retail marijuana stores suggest high parking demand, especially during peak times. Since Downtown is parking constrained, ensuring a retail marijuana store would have a sufficient amount of parking could be difficult and generally in opposition to policies DT-3 and DT-11 which call for the establishment of a pedestrian-oriented environment and development which contributes to a comfortable feel for pedestrians.</p> <ul style="list-style-type: none"> <li>• The potential for retail marijuana stores to negatively impact neighboring businesses through factors including increased public use, traffic, and parking. These factors could cause a reduction in opportunity for businesses, or cause businesses to close or not come to the Urban Centers. Policies LU-38 and DT-27 speak directly to supporting the Urban Centers and Downtown especially as major retail and business areas and destinations and therefore supporting existing businesses and attracting new businesses compatible with the vision to these areas.</li> </ul> <p>In addition, considering policies LU-47 and LU-62, the Technical Committee Report notes “retail and other uses ‘that may have some adverse impacts’ and/or ‘are better suited for locations outside of the Downtown or Overlake’ Urban Centers should be located in” the General Commercial (GC) and Manufacturing Park (MP) zones. Taken together, the preceding factors combined with the policy language for the GC and MP zones indicate that allowing retail marijuana stores in the Urban Centers could result in impacts that Comprehensive Plan policies indicate should be avoided while providing a method of accommodating those uses which, while not appropriate for the Urban Centers, are still legal uses and/or should be accommodated in Redmond, and identifies the GC and MP zones as potential areas where those uses might be more appropriate.</p> <p><b><u>Public Comment</u></b></p> <p>Public comments have expressed concern about the visibility of retail marijuana stores if located in the Downtown which families frequent which could make the stores more attractive and interesting to youth. Comments have also noted the potential impacts of retail marijuana stores on neighboring businesses, citing specific examples in Kirkland and the Factoria area of Bellevue. Other comments have noted the strict safety and security requirements imposed by the state on store licensees.</p>	
12. Provide details	<b><u>Planning Commission Discussion</u></b>	Opened 1/20

## Retail Marijuana Amendments

Planning Commission Issues Matrix for February 10, 2016

Issue	Discussion Notes	Status
<p>of the housekeeping amendments for production and processing. (Biethan)</p>	<p>(1/20) Commissioners discussed the housekeeping amendments and asked that they be specifically identified since they are not part of the Technical Committee Report.</p> <p><b><u>Staff Response/Recommendation</u></b></p> <p>(1/22) Redmond's current regulations regarding marijuana are from ordinance 2744. Due to an oversight, the Comprehensive Use Chart (RZC 21.04.030) was updated to show the zones where marijuana uses are allowed, but the individual use charts for the various zones (in RZC 21.06 through 21.14) were not updated. Therefore a conflict exists in the Zoning Code since the Comprehensive Use Chart shows that marijuana uses are permitted, but no specific standards are set in the individual zones.</p> <p>The following sections would be updated:</p> <p>Marijuana production – Agriculture use</p> <ul style="list-style-type: none"> <li>• Table 21.06.010B – Urban Recreation (UR) zone</li> </ul> <p>Marijuana processing – Manufacturing and Wholesale Trade use</p> <ul style="list-style-type: none"> <li>• Table 21.12.210A – Overlake Business and Advanced Technology (OBAT) zone</li> <li>• Table 21.13.030A – Regional Retail (RR) zone</li> <li>• Table 21.14.030B – Business Park (BP) zone</li> <li>• Table 21.14.040C – Manufacturing Park (MP) zone</li> </ul> <p>NOTE: In addition to changes to allow marijuana retail sales in the Samm Valley Overlay)</p> <ul style="list-style-type: none"> <li>• Table 21.14.050C – Industrial (I) zone</li> </ul> <p>Specific text amendments to the RZC will be distributed prior to the public hearing and next study session.</p> <p><b><u>Public Comment</u></b></p> <p>No public comments have been received concerning this issue to date.</p>	
<p>13. What if a use requiring a buffer moves in after a store opens? What does the state law</p>	<p><b><u>Planning Commission Discussion</u></b></p> <p>(1/20) Commissioners discussed the procedure if a retail marijuana store opens in a compliant location, and then later a use requiring a buffer (a daycare, for example) opens within the buffer distance. Commissioners also requested to see the text of the state law concerning buffers.</p>	<p>Opened 1/20</p>

## Retail Marijuana Amendments

Planning Commission Issues Matrix for February 10, 2016

Issue	Discussion Notes	Status
<p>say? (Miller/ Haverkamp via email)</p>	<p><b><u>Staff Response/Recommendation</u></b></p> <p>(1/22) If a licensed marijuana facility is sited in accordance with state and local regulations when it opens, and then later a use which would make that site non-compliant opens, the licensed marijuana facility would be “grandfathered” in at its current location. This would be similar to a non-conforming use. Redmond could specifically provide for this in the Zoning Code for clarity. Other cities have provisions in their codes regarding this situation.</p> <p>The state law concerning buffers is contained in RCW 69.50.331 and is as follows:</p> <ul style="list-style-type: none"> <li>(8)(a) Except as provided in (b) through (d) of this subsection, the state liquor and cannabis board may not issue a license for any premises within one thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older.</li> <li>(b) A city, county, or town may permit the licensing of premises within one thousand feet but not less than one hundred feet of the facilities described in (a) of this subsection, except elementary schools, secondary schools, and playgrounds, by enacting an ordinance authorizing such distance reduction, provided that such distance reduction will not negatively impact the jurisdiction's civil regulatory enforcement, criminal law enforcement interests, public safety, or public health.</li> <li>(c) A city, county, or town may permit the licensing of research premises allowed under RCW <a href="#">69.50.372</a> within one thousand feet but not less than one hundred feet of the facilities described in (a) of this subsection by enacting an ordinance authorizing such distance reduction, provided that the ordinance will not negatively impact the jurisdiction's civil regulatory enforcement, criminal law enforcement, public safety, or public health.</li> <li>(d) The state liquor and cannabis board may license premises located in compliance with the distance requirements set in an ordinance adopted under (b) or (c) of this subsection. Before issuing or renewing a research license for premises within one thousand feet but not less than one hundred feet of an elementary school, secondary school, or playground in compliance with an ordinance passed pursuant to (c) of this subsection, the board must ensure that the facility: <ul style="list-style-type: none"> <li>(i) Meets a security standard exceeding that which applies to marijuana producer, processor, or retailer licensees;</li> <li>(ii) Is inaccessible to the public and no part of the operation of the facility is in view of the general public; and</li> <li>(iii) Bears no advertising or signage indicating that it is a marijuana research facility.</li> </ul> </li> </ul>	

## **Retail Marijuana Amendments**

*Planning Commission Issues Matrix for February 10, 2016*

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	<p><b><u>Public Comment</u></b> No public comments have been received concerning this issue to date.</p>	
14. Would allowing this retail use in the Manufacturing Park zone potentially require the City to allow other retail uses as well? (Haverkamp via email)	<p><b><u>Planning Commission Discussion</u></b> (1/20) Commissioners discussed whether allowing a particular retail use in the Manufacturing Park zone could potentially either require the city to allow others, or would set precedent for allowing further retail uses.</p> <p><b><u>Staff Response/Recommendation</u></b> (1/22) Regarding the legal issue, in general the City has authority under its inherent zoning powers to regulate where land uses locate within the City, so it is not likely there is an issue with other retail uses seeking to locate in the Manufacturing Park zone, even if the City were to allow retail marijuana stores to locate there. RCW 35A.63.100 provides specific authority under state law for cities to adopt zoning regulations. Article XI, Section 11 of the state constitution also provides that cities have broad police powers, which are generally regarded to include the power to enact zoning.</p> <p>Redmond allows some limited retail uses in the Manufacturing Park zone today. The allowed uses are designed to provide services in the immediate vicinity of Redmond's manufacturing and employment areas. For example, professional services are "Limited to research and development services and other uses that support another permitted use in the MP zone." As previously noted, bars are also allowed but are restricted in size and scale. The Technical Committee analyzed whether allowing retail marijuana stores would have an impact on the availability of space for the uses primarily envisioned in the Manufacturing Park zone and determined that the probable maximum amount of area is approximately 10,000 square feet, which is not considered to be a significant impact.</p> <p><b><u>Public Comment</u></b> Several public comments have noted that the City has historically not supported the expansion of retail uses in the Manufacturing Park zone, and that making a special allowance for retail marijuana is unfair.</p>	Opened 1/21
15. Public Notice (Miller)	<p><b><u>Planning Commission Discussion</u></b> (1/27) Commissioners asked if appropriate public notice has been provided for this proposed amendment.</p>	Opened 1/27

## Retail Marijuana Amendments

Planning Commission Issues Matrix for February 10, 2016

Issue	Discussion Notes	Status
	<p><b><u>Staff Response/Recommendation</u></b></p> <p>(2/2) The Type VI process for legislative actions (for Comprehensive Plan and Zoning Code Amendments) requires Notice of the Public Hearing with some specifics based on the type of application. Comprehensive Plan and Zoning Code text amendments require this notice be published in the newspaper. Zoning Map amendments have additional requirements for mailed notice of the public hearing if the application requires owner signatures under RZC 21.76.070.AF.4 Special Application Requirements for applications for Comprehensive Plan or Zoning Map amendments; these signatures were not required for this application. Mailed notice is required to all parties of record for the proposal, and notice was mailed to all parties of record.</p> <p>Staff sent a courtesy notice of the public hearing to property owners and tenants in the proposed Sammamish Valley Manufacturing Park Overlay. This notice was mailed on January 13, 2016, for the January 27 public hearing.</p> <p>In addition, staff used several other approaches to inform people about the public hearing, including a press release, information on the City's web page and social media posts. In addition, the Redmond Reporter included an article on the topic with the hearing date.</p> <p><b><u>Public Comment</u></b></p> <p>Several public comments expressed concern about public notice for these proposed amendments, including the timing of the mailed notice to owners and tenants in the MP zone affected by the proposed zoning map amendments.</p>	
16. Use of anonymous online surveys (O'Hara via email)	<p><b><u>Planning Commission Discussion</u></b></p> <p>(1/29) Commissioners discussed the usefulness of anonymous online surveys since they are not statistically valid and are easily influenced by individuals and/or small groups repetitively voting. Commissioners asked what other survey methods may be considered in the future.</p> <p><b><u>Staff Response/Recommendation</u></b></p> <p>(2/2) The online survey contains useful data for Commissioners to consider, but it has limitations. The survey is not scientific, nor is it intended to represent a statistically valid sample.</p> <p>This survey collected 2,217 total responses, of which 1,619 were unique. The survey software used can</p>	Opened 1/29

## Retail Marijuana Amendments

Planning Commission Issues Matrix for February 10, 2016

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	<p>help identify multiple responses from the same person in several ways. The survey software assigns a unique Network ID to each IP address. It also logs the date and time a person begins the survey and when they submit their survey responses. For this survey, a total of 1,619 Network IDs provided responses. 315 of the Networks IDs provided multiple responses, totaling 913 total responses. In some cases it is highly likely a single person is submitting multiple responses, as the responses are all within a short time period and are identical or substantially similar (for example, preferring large buffers, no marijuana stores, and separation). In other cases, however, the same Network ID provides very different responses over a wide time period. This could represent, for example, people using the computers at a library or using a public Wi-Fi network (at a coffee shop, City Hall, etc.) or people in a single household providing different perspectives. Staff will provide the full survey results including timing and Network IDs.</p> <p>It is possible to use a survey tool that requires respondents to provide their email or phone number and thereby, reduce the potential for multiple responses. A trade-off is that not all people are willing to provide this information and that people in a single household may use a single phone or email address and would not be able to all participate. Respondents could also provide a bogus email address or phone number.</p> <p>Statistically valid surveys can be useful when considering some subjects. For example, the City conducted a survey of park usage in the City in 2014 in support of early PARCC Plan update activities and for Park Impact Fee update purposes. However, the City would need to retain an outside company to conduct such a survey, and does not have available funding for this. There is also significant lead time required to conduct a survey and get the results. These factors make it difficult to use statistically valid surveys for most subjects.</p> <p><b><u>Public Comment</u></b> Some public comment has highlighted the survey results as indicative of the community's views, while other comments have noted the limitations of the survey.</p>	
17. What is the basis for considering an amendment?	<p><b><u>Planning Commission Discussion</u></b> (2/2) Do we as a city believe there is a need to change zoning to increase the opportunities for retail marijuana stores to locate in Redmond? If so, why? If no, why not?</p>	Opened 2/2

## Retail Marijuana Amendments

Planning Commission Issues Matrix for February 10, 2016

Issue	Discussion Notes	Status
(O'Hara via email)	<p><b><u>Staff Response/Recommendation</u></b></p> <p>(2/3) The Technical Committee's overall objectives when considering the proposed amendments included:</p> <ul style="list-style-type: none"><li>• Allow for retail marijuana stores to locate in Redmond.</li><li>• Minimize potential impacts from retail marijuana stores.</li><li>• Maintain the vibrancy of the Urban Centers.</li><li>• Address public safety concerns.</li></ul> <p>The significant public testimony on this issue generally shows that this question could be a starting point for discussion. There are many factors to consider when determining whether Redmond should revise its policies and/or zoning to increase the opportunities for retail marijuana stores to locate in the City, including but not limited to Redmond's vision, Comprehensive Plan policies, access to marijuana, and public safety concerns.</p> <p><b><u>Public Comment</u></b></p> <p>Public testimony at the public hearing was primarily against allowing retail marijuana stores in Redmond, with a minority in favor. Public comment via email has also been primarily against allowing retail marijuana stores, with a minority in favor. Comments have noted the proximity of stores in Bellevue, Kirkland, and Issaquah as well as the potential negative effects of retail marijuana stores. Comments have also noted that retail marijuana stores are allowed under state law and the proponents intend to operate in conformance with all laws and rules. Some comments from property owners in or near the proposed MP zoning overlay have questioned whether the area is suitable for retail marijuana uses, or for retail uses generally due to peak traffic volumes, lack of parking, and presence of youth-friendly businesses such as Arena Sports. Comments have also noted the City has historically not allowed many retail uses in the Manufacturing Park zone, and allowing retail marijuana stores in the Manufacturing Park zone may be unfair.</p>	
18. Availability of illegal marijuana (Biethan via email per Councilmember Myers letter)	<p><b><u>Planning Commission Discussion</u></b></p> <p>(2/5) Could legal marijuana stores reduce demand for illegal marijuana?</p> <p><b><u>Staff Response/Recommendation</u></b></p> <p>(2/5) To be added.</p>	Opened 2/5



**Retail Marijuana Amendments***Planning Commission Issues Matrix for February 10, 2016*

Issue	Discussion Notes	Status
	<b><u>Public Comment</u></b> To be summarized.	
19. City legal options (Biethan via email per Councilmember Myers letter)	<b><u>Planning Commission Discussion</u></b> (2/5) What can the City do legally with regard to retail marijuana stores? Are up-to-date maps illustrating state minimum buffers and buffered facilities available?  <b><u>Staff Response/Recommendation</u></b> (2/5) To be added.  <b><u>Public Comment</u></b> To be summarized.	Opened 2/5
20. Other cities' experiences (Biethan via email per Councilmember Myers letter)	<b><u>Planning Commission Discussion</u></b> (2/5) What are other cities experiences with licensed marijuana facilities, including for production and processing in addition to retailing? Specifically focus on crime, traffic, and impacts to neighboring businesses.  <b><u>Staff Response/Recommendation</u></b> (2/5) To be added.  <b><u>Public Comment</u></b> To be summarized.	Opened 2/5
21. Public opinion (Biethan via email per Councilmember Myers letter)	<b><u>Planning Commission Discussion</u></b> (2/5) What do Redmond citizens want? Is a statistically valid measure available?  <b><u>Staff Response/Recommendation</u></b> (2/5) To be added.  <b><u>Public Comment</u></b> To be summarized.	Opened 2/5

**Retail Marijuana Amendments***Planning Commission Issues Matrix for February 10, 2016*

Issue	Discussion Notes	Status
22. Siting of marijuana uses (Biethan via email per Councilmember Myers letter)	<b><u>Planning Commission Discussion</u></b> (2/5) What are the potential impacts of siting marijuana facilities in various areas of the city? Does it make sense to exclude or centralize marijuana uses in particular areas? What are the potential impacts of concentrating these facilities in one area?  <b><u>Staff Response/Recommendation</u></b> (2/5) To be added.  <b><u>Public Comment</u></b> To be summarized.	Opened 2/5
23. Demand for marijuana (Biethan via email per Councilmember Myers letter)	<b><u>Planning Commission Discussion</u></b> (2/5) What is the documented demand for marijuana and marijuana products among Redmond residents?  <b><u>Staff Response/Recommendation</u></b> (2/5) To be added.  <b><u>Public Comment</u></b> To be summarized.	Opened 2/5
24. Pace of potential changes (Biethan via email per Councilmember Myers letter)	<b><u>Planning Commission Discussion</u></b> (2/5) What is the appropriate pace for increased opportunities for marijuana retail in Redmond in thinking about current conditions and future growth in the city?  <b><u>Staff Response/Recommendation</u></b> (2/5) To be added.  <b><u>Public Comment</u></b> To be summarized.	Opened 2/5